

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

KENRIC STEEL, LLC, Plaintiff, v. UNITED STATES DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, <i>et al.</i> , Defendants.	CIVIL ACTION NO. 1:24-cv-09221-KMW-SAK
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[PROPOSED] ORDER

Upon consideration of Plaintiff Kenric Steel, LLC’s Motion for Summary Judgment (the “Motion”), as well as the Parties’ submissions in support and opposition of the Motion, Kenric Steel, LLC’s Motion for Summary Judgment is hereby **GRANTED**.

The Court hereby **DECLARES**, for the reasons explained in the attached Opinion, that:

1. The Occupational Safety and Health Act’s, 29 U.S.C. §§ 651 et seq. (“OSH Act’s”), language restricting the removal of Review Commissioners is unconstitutional;
2. The OSH Act’s language regarding the appointment of OSHRC ALJs is unconstitutional;
3. The statutes, regulatory provisions, guidance, and/or policies restricting the removal of OSHRC ALJs, including Defendant Judge Augustine, are unconstitutional;
4. The OSHRC Proceeding against Kenric Steel unlawfully deprives Kenric Steel of its constitutional right to trial by jury in an Article III court; and

5. The Solicitor of Labor is prosecuting the matter against Kenric Steel in violation of the OSH Act that the litigation “be subject to the direction and control of the Attorney General.” 29 U.S.C. § 663.

It is also hereby **ORDERED** that:

1. Defendants are enjoined from subjecting Kenric Steel to an unconstitutionally structured and illegally prosecuted administrative proceedings;

2. The Secretary and the Solicitor are enjoined from prosecuting Kenric Steel without the direction and supervision of the Attorney General.

Dated: _____

Williams, J., United States District Judge